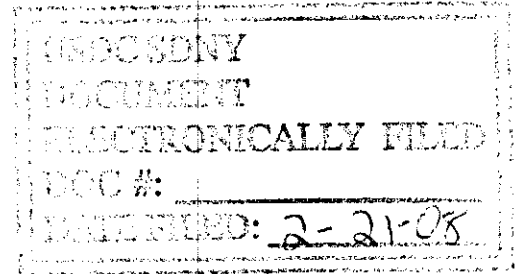


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
DENNIS FARRELL,

Petitioner,

-against-

ROBERT ERCOLE, Superintendent
of Green Haven Correctional
Facility,

Respondent.

:
:
: 07 Civ. 8073 (LAP) (HBP)

: ORDER
:
:

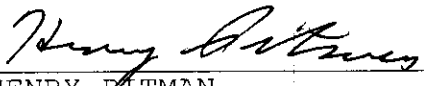
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PITMAN, United States Magistrate Judge:

The annexed application from petitioner seeking to
continue the stay in this matter until his state court petition
for a writ of error coram nobis is resolved is granted.

Petitioner is directed to advise my chambers promptly
of the disposition of the petition. The time for service of
respondent's answer to the petition continues to be adjourned
without date.

Dated: New York, New York
February 21, 2008

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies mailed to:

Mr. Dennis Farrell
DIN NO. 03-A-3346
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

Robert M. Morgenthau, Esq.
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1 Hogan Place
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Dennis Farrell, #03A3346
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582

Re: 07 Civ. 8073 (LAP) (HBP)

FEB 13 2008

ORDER

United States District Court
Chambers of
Henry Pitman
United States Magistrate Judge
500 Pearl Street
New York, New York 10007

February 4th, 2008

Your Honor:

On January 28th, 2008, the Appellate Division denied my CPL §§450.15 & 460.15 Certificate to appeal the denial of my CPL §440.10 Motion. (Tom, J. M6216, New York Law Journal, dated January 28, 2008 pg. 30).

At this time I have decided to file a Writ of Error Coram Nobis, claiming mainly that Appellate Counsel was Ineffective for failing to raise trial counsel's failure to argue suppression of my statement alleged to have been made to law enforcement officials.

Thus, I respectfully request that my Stay not be lifted until such time as my Error Coram Nobis (which was filed with the Court on February 6th, 2008 -- a copy of said motion will be forward to this Courts chambers). The reason for the delay in submitting my Coram Nobis was the complexity of the issues and the fact I had my CPL §440.10 Motion pending.

As the Supreme Court has illustrated in Rhines, I would advise the Court promptly on the status of my motions. And once a decision has been

-2-

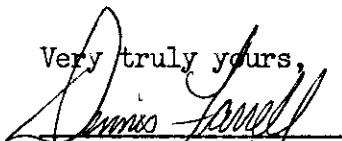
rendered; the status of its appealability.

Once these matters are resolved, I would then **amend** my original petition.

Therefore, upon permission of the Court, I respectfully ask that my **stay** not be lifted until such time as my **Error coram Nobis** is resolved.

As of date, the **respondent** has not answered.

Very truly yours,


Dennis Farrell

Copies mailed to:

Andrew M. Cuomo, Esq.
Attorney General
1 Hogan Place
New York, New York 10013

Andrew M. Cuomo, Esq.
Attorney General
State of New York
120 Broadway
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Henry Pitman
U.S. District Court Magistrate Judge
United States District Court
Southern District of New York
U.S. Courthouse
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Loretta A. Preseka
U.S. District Court Judge
U.S. District Court
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, New York 10007

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DENNIS FARRELL, :

Petitioner, :

-against- :

ROBERT ERCOLE, :

Respondent. :
-----X

CERTIFICATE OF SERVICE

07 - Cv - 8073 (LAP)(HBP)

Dennis Farrell, hereby swears, under the penalty of perjury, pursuant to 28 U.S.C.A. §1746 that, on February 4, 2008, I mailed the attached Status letter upon the following parties to this action:

Robert M. Morgenthau, Esq.
District Attorney, New York County,
1 Hogan Place,
New York, New York 10013

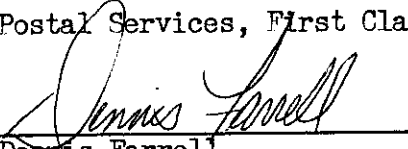
Eleanor Ostrow, Esq.
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Andrew M. Cuomo, Esq.,
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State of New York
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Loretta A. Preseka
U.S. District Court Judge
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Henry Pitman
U.S. District Court Magistrate Judge
United States District Court
Southern District of New York
U.S. Courthouse
Chambers
500 Pearl Street
New York, New York 10007

by placing said letter in a mail-box within the Green Haven Correctional Facility, to be mailed United State Postal Services, First Class Mail.


Dennis Farrell
Din # 03 A 3346
Petitioner Pro se
Green Haven Correctional Facility
P.O. Box 4000
Stormville, New York 12582-0010